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**BOARD OF MEDICAL LICENSURE AND DISCIPLINE**

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<b>PUBLIC MEETING MINUTES:</b>	<b>DELAWARE BOARD OF MEDICAL LICENSURE AND DISCIPLINE</b>
<b>MEETING DATE AND TIME:</b>	<b>Tuesday, February 2, 2016, at 2:30 p.m.</b>
<b>PLACE:</b>	861 Silver Lake Boulevard Second Floor Conference Room A Dover, Delaware
<b>MINUTES APPROVED:</b>	March 1, 2016

**MEMBERS PRESENT**

Joseph Parise, D.O., Professional Member, President, Presiding  
Gregory Adams, M.D., Professional Member  
Barry Bakst, D.O., Professional Member  
Vonda Calhoun, Public Member  
Georges A. Dahr, M.D., Professional Member  
Mary Lomax, Public Member  
Karyl Rattay, M.D., Professional Member  
Malvine Richard, Ed.D., Public Member  
N.C. Vasuki, Public Member  
Sharon Williams-Mayo, Public Member  
Stephen Cooper, M.D., Professional Member

**DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT**

Patricia Davis-Oliva, Deputy Attorney General  
Shauna Slaughter, Executive Director  
Devashree Brittingham, Executive Director  
Sandra Wagner, Administrative Specialist III

**MEMBERS ABSENT**

Garrett H. Colmorgen, M.D., Professional Member  
Stephen Lawless, M.D., Professional Member  
Mary Ryan, Public Member

**ALSO PRESENT**

Carolyn Morris  
Shannon Burdeshaw  
Susan DiNatale  
Lisa Schieffert  
Andrew Wilson  
Amber Novak  
Jim Novak  
Roger Roy  
Herbert Mondros, Esq.

**CALL TO ORDER**

Dr. Parise called the meeting to order at 2:38 p.m.

#### REVIEW AND APPROVAL OF MINUTES

The board reviewed the January 5, 2016 executive session and regular meeting minutes for approval. Mr. Vasuki moved, seconded by Dr. Bakst, to approve both sets of minutes as written. Motion unanimously carried.

#### UNFINISHED BUSINESS

##### Results of Executive Session Discussion

Dr. Cooper moved, seconded by Ms. Calhoun, that the board after having reviewed the results of the investigation, determined in the exercise of its discretion, that the matters not precede further and that the following investigation be closed as noted without prosecution. Motion unanimously carried.

##### Letter of Concern

10-14-14

Dr. Dahr moved, seconded by Dr. Rattay, that the board after having reviewed the results of the investigations, determined in the exercise of its discretion, that the matters not precede further and that the following investigation be closed as noted without prosecution. Motion unanimously carried.

##### Letter of Concern

10-110-14

Mr. Vasuki moved, seconded by Dr. Cooper, that the board after having reviewed the results of the investigations, determined in the exercise of its discretion, that the matters not precede further and that the following investigation be closed as noted without prosecution. Motion unanimously carried.

##### Closed

10-160-14

Dr. Richard moved, seconded by Dr. Cooper, that the board after having reviewed the results of the investigations, determined in the exercise of its discretion, that the matters not precede further and that the following investigations be closed as noted without prosecution. Motion unanimously carried.

##### Closed

10-52-14      10-115-14      10-138-14      10-149-14      10-156-14      10-162-14      10-165-14

#### Consideration of Consent Agreement Regarding Carl Yacoub, M.D. (Case 10-143-14, 10-148-14 and 10-36-15)

The board considered the Consent Agreement regarding Carl Yacoub, M.D. Mr. Vasuki moved, seconded by Dr. Dahr, to accept the Consent Agreement. Motion carried with Dr. Rattay recusing. An Order was circulated for board members' signatures.

Consideration of Consent Agreement Regarding Jerry Gluckman, M.D. (Cases 10-100-13)

The board considered the Consent Agreement regarding Jerry Gluckman, M.D. Dr. Richard moved, seconded by Dr. Cooper, to accept the Consent Agreement. Motion carried with Dr. Adams and Dr. Bakst recusing. An Order was circulated for board members' signatures.

Discussion Regarding Telemedicine Services Provided Via Audio Only (Teladoc) – Carolyn Morris, MHSA, Director of Telehealth Planning & Development

Ms. Morris addressed the Board about telemedicine and voiced her concerns about the statutory language for the Medical Board of Licensure and Discipline. One of Ms. Morris' major concerns is with Direct to Consumer (DTC) companies such as Teladoc, which primarily provide audio only services. Ms. Morris felt that audio and video should be used, especially with the first contact with a patient. Ms. Morris asked if the Board could write rules and regulations to clarify that audio only is not an acceptable option for establishing a physician-patient relationship via telemedicine. The Board understands the concerns brought to them by Ms. Morris. This matter will be discussed further at the next meeting.

Mr. Roger Roy from Teladoc addressed the Board. Mr. Roy stated that the company has 40 major companies that work with Teladoc. Teladoc only does primary care not specialty care. One of the procedures they use is phone only because some people do not have high speed internet in order use video or skype. Mr. Roy feels that making video as the only option to have a physician-patient relationship will exclude a large number of clients.

Mr. Andrew Wilson from the Medical Society addressed the Board and gave them a little bit of a background on why the use of telehealth is so important.

PTD Hearing – Amber Novak, Acupuncture Applicant – 3:00 p.m.

At 3:09 p.m., Dr. Parise called the proposal to deny hearing to order for Amber Novak, Acupuncture Applicant. The Board introduced themselves for the record. Verbatim testimony was recorded electronically. Ms. Novak was present and was represented by Herbert Mondros., Esquire. Ms. Davis stated the purpose of the hearing. The application packet and supporting documents were marked as Board Exhibit 1 for the record. Mr. Mondros presented his case on behalf of Ms. Novak and submitted a packet of information which was marked as Applicant's Exhibits 1. Ms. Novak was sworn in, and responded to questions asked by the Board members. The Board began deliberating at 3:24 p.m. At the conclusion of their deliberations, Dr. Adams moved, seconded by Ms. Williams-Mayo, to grant the waiver and issue a license to Ms. Amber Novak as an acupuncturist. Motion unanimously carried. The hearing concluded at 3:26 p.m.

Review and Consider Order for Patrick Titus, M.D., Cases 10-224-13, 10-11-14, 10-170-14 and 10-150-14

The Board Chairperson affixed his signature to the Order for Patrick Titus, M.D.

Review and Consider Order for Beth Schubert, M.D., Case 10-02-15

The Board Chairperson affixed his signature to the Order for Beth Schubert, M.D.

Review and Consider Order for Adriane Dourte, to Accept Acupuncture Advisory Council Order from PTD Hearing

The Board members affixed their signatures to the Order for Adriane Dourte, Acupuncturist.

Review and Consider Rules and Regulations from the Midwifery Advisory Council

The Board reviewed the proposed rules and regulations from the Midwifery Advisory Council. Dr. Parise addressed the Board with some concerns on behalf of Dr. Colmorgen who could not be at the meeting today. Dr. Parise stated that Dr. Colmorgen is the Board's resident expert on OBGYN and without Dr. Colmorgen being present at the meeting that this discussion should be tabled. Dr. Rattay had some concerns as well and stated that she will try to speak to Dr. Colmorgen and get some of their feedback to the council sooner than later. Ms. Slaughter stated that the Council has a meeting scheduled this month and if they could submit the feedback to her, she will make sure the Council receives the submissions. Mr. Vasuki moved, seconded by Dr. Cooper, to table this discussion until next month. Motion unanimously carried.

#### Further Discussion Regarding Records Audits

Ms. Slaughter stated that the reason this was back on the agenda was that she wanted to see if there was another way of handling the records audits because the investigators are really struggling to get investigations done. After Ms. Slaughter spoke with the Investigative Supervisor, he stated that going out to do records audits takes quite a bit of time that the investigators just do not have and that he felt that the investigators do not have the appropriate manpower to do the records audits. The Board felt that the Investigators are more than qualified to do a records audit. After discussion, the Board still feels that this should be something the Investigators should handle. Ms. Slaughter will take this discussion back to the Director and Investigative Supervisor.

#### Election of Officers and Selection of Voting Delegate from FSMB Annual Meeting Scheduled for April 28-30, 2016

Dr. Adams moved, seconded by Dr. Cooper, to accept the slate of officers from the Nominating Committee. Motion unanimously carried. The officers are Dr. Parise as President, Dr. Rattay as Vice President, and Dr. Dahr as Secretary. Dr. Bakst moved, seconded by Dr. Cooper, to accept the nominated delegates. Motion unanimously carried.

Ms. Slaughter confirmed that Dr. Parise and Dr. Rattay will not be available to attend the FSMB Annual Meeting to serve as the voting delegate. Dr. Dahr advised he will check his schedule to determine if he would be able to attend. Dr. Adams will also check his schedule in case Dr. Dahr cannot attend.

The Board took recess from 3:55 p.m. to 4:04 p.m.

#### NEW BUSINESS

##### Approve Applications for Registration and Licensure

##### M.D.'s for Licensure

Dr. Cooper moved, seconded by Dr. Bakst, to approve the following medical doctors for a certificate to practice medicine, as all applicants had met the licensure requirements as set forth by statute. Motion unanimously carried.

Joseph Berrang	Deniz Eker	Christopher Genco	Emily Granitto
Lauren Kanter Applebaum	Plamen Kossev	Daniel Kremens	William Linklater, III
Bernard Lopez	Matthew Man	Joanne Murren-Boezem	Peter Pryzbylowski
Varun Sharma	Kendol Thomas		

##### D.O.'s for Licensure

Dr. Cooper moved, seconded by Dr. Bakst, to approve the following osteopathic doctors for a certificate to practice medicine, as all applicants had met the licensure requirements as set forth by statute. Motion unanimously carried.

Julia Ahn	Dawn Clark Barber	Keith Boell	John Hopkins
Robert Parker	Stephen Senichka	Amita Vasoya	

Physician Assistants for Licensure

Dr. Cooper moved, seconded by Dr. Richard, to approve the following Physician Assistants for licensure as noted below. Motion unanimously carried.

Saumya Abraham	Devon Courtney	Augustus Sutera	Beverley Zuccarello
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Physician Assistants for Prescriptive Authority – Controlled and Non-Controlled

Dr. Cooper moved, seconded by Dr. Richard, to approve the following Physician Assistants for controlled and non-controlled prescriptive authority as noted below. Motion unanimously carried.

Cecilia Ahanonu	Jason Aulffo	David Bergamo	Matthew Bunker
John Constance	Devon Courtney	Megan Donovan	Alicia Edelblute
Heather Edmunds	Lauren Elliott	Imeliza Fernandez	Lisa Gahagen
Samantha Geboff	Lauren Gillespie	Tanis Guerin	Heather Hausman
Rachel Hobbs	Kristen Iaconelli	Bethany Jackson	Kathleen Murphy
Jennifer Myers	Bianca Parenti	Olga Petrova	Dennis Shaw
Kara Shewbrooks	Augustus Sutera	Jennifer Tallis	Lauren Tavani
Jennifer Tschorn	Kathryn Vosbury		

Respiratory Care Practitioners

Dr. Parise moved, seconded by Dr. Cooper, to approve the following Respiratory Care Practitioners for licensure as noted below. Motion unanimously carried.

Tayseer Algalal	Michael Frazer	Mona Langer
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Paramedics

Dr. Parise moved, seconded by Dr. Richard, to approve the following Paramedics for licensure as noted below. Motion unanimously carried.

Erika Bretscher	Ashley Dukes	Jonathan Chigges
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Genetic Counselors

Dr. Parise moved, seconded by Dr. Cooper, to approve the following Genetic Counselors for licensure as noted below. Motion unanimously carried.

Catherine Terhaar	Jody Wallace
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Polysomnography Practitioners

Dr. Parise moved, seconded by Dr. Cooper, to approve the following Polysomnography Practitioner for licensure as noted below. Motion unanimously carried.

Christine Caracia

Review and Consider Candidate to fill Physician Vacancy on the Polysomnography Advisory Council - Kunal Agarwal, M.D

The Board reviewed a letter of interest and resume from Kunal Agarwal M.D. for consideration to serve on the Polysomnography Advisory Council. Mr. Vasuki moved, seconded by Dr. Cooper, to appoint Dr. Agarwal to the Council. Motion unanimously carried.

Review Application for Jamie McReynolds, M.D. - Discipline in Arizona and Privileges Suspended at Southern Indian Health Council

The board reviewed the application for Jamie McReynolds, M.D. Dr. Cooper moved, seconded by Dr. Rattay, to propose to deny the application for Dr. McReynolds. Motion unanimously carried.

Review Application for Malick Islam, M.D. - Disciplined in Medical School and Disciplined in Kentucky

The board reviewed the application for Malick Islam, M.D. Dr. Cooper moved, seconded by Mr. Vasuki, to grant waiver for licensure. Motion unanimously carried.

Review Application for Sana Makhdoom, M.D. - Investigation in North Carolina

The board reviewed the application for Sana Makhdoom, M.D. Dr. Bakst moved, seconded by Dr. Cooper, to grant waiver for licensure. Motion unanimously carried.

HB 259 – Ultrasound Use Limitation

Ms. Slaughter provided a copy of HB 259 for informational purposes.

Joint Sunset Committee Public Hearing – February 16, 2016, 5:30 p.m.

Ms. Slaughter reminded the Board members of the date and time of the Joint Sunset Committee public hearing and encouraged members to attend.

Review Midwifery Clean Up Bill

The Board reviewed the Midwifery clean up Bill prepared by Ms. Davis. Ms. Davis explained the reasons for Bill. Dr. Rattay moved, seconded by Dr. Adams, to approve the changes. Motion unanimously carried.

Review Letter from Mehrdad Massumi, M.D.

The Board reviewed the letter from Dr. Massumi. After discussion, Dr. Cooper moved, seconded by Ms. Calhoun, to have Dr. Massumi come before the Board for a rule to show cause hearing on why the Board should not take further action against his license due to additional discipline taken by the Maryland Board. Motion unanimously carried.

Other Business before the Board (For Discussion Only)

Ms. Slaughter advised the board that the following APRNs were granted prescriptive authority.

Bosomtwe, Kyeretwie Frimpong	LP-0000152	Adult/Gerontology NP
Carter, Sindy Dinvil	LG-0000907	Family NP
Cyr, Jamie Ellen	L6-0A00748	Certified Registered Nurse Anesthetist
Czerwinski, Eileen M. Hagan	LP-0000154	Adult/Gerontology NP
Eyler, Donna E. Caywood	L6-0A00746	Certified Registered Nurse Anesthetist
Hogue, Michael David	L6-0A00749	Certified Registered Nurse Anesthetist
Jaszczyszyn, Danielle M. Gallagher	LJ-0000302	Pediatric NP
Njei, Emelda Fri	L8-0000141	Psych/Mental Health NP
Njuguna, Esther Muthoni	LG-0000908	Family NP
Pessagno, Richard Anthony	L8-0000107	Psych/Mental Health NP
Smyth, Jason Charles	L6-0A00747	Certified Registered Nurse Anesthetist
Tepner, Lesley A. Webber	LV-0000111	Adult/Gerontology CNS

Request to Withdraw Application from Cheryl Harris-Chin, M.D.

Ms. Slaughter stated that this is on the agenda for informational purposes only so that the Division could close out Dr. Harris-Chin's application as she is withdrawing.

Request to Withdraw Application from Maria Sindos, D.O.

Ms. Slaughter stated that this is on the agenda for informational purposes only so that the Division could close out Dr. Sindos' application as she is withdrawing.

Ms. Slaughter wanted to let the Board know that Dr. Parise was featured in an article about assessing and managing stress.

Dr. Parise discussed with the Board about having a newsletter on the website that would give people some statics about Delaware licensees. This would give an opportunity to educate the public and colleges to increase external knowledge about the Board.

Dr. Parise brought up the licensure compact issue. This is an agenda item on the FSMB Annual Meeting's agenda. This will be added to the agenda for May so that the Board can discuss what comes out of the FSMB Annual Meeting.

Public Comment

Mr. Brian Sweeney addressed the Board about licensure requirements for post graduates medical education and the shortage of physicians in Delaware. Mr. Sweeney went to an accredited school in Puerto Rico. Mr. Sweeney stated that a couple of States are trying to take an innovated approach to get legislation passed to offer an assistant medical doctor license. This would be a license that would give a resident that has passed both the USMLE 1 and 2 an assistant license to allow for a pairing with a doctor to get their one year residency. Mr. Sweeney wanted to know if Delaware would be interested in looking into offering this kind of license. Mr. Sweeney is struggling to get this training in his home State. Dr. Rattay stated that the Delaware Center in Health Innovation Committee is working on getting residency programs for Southern Delaware in Primary Care.

Mr. Mangler advised the Board he was just notified by Secretary Landgraf from DHSS, of a CMCS Informational Bulletin on the subject of Best Practices for Addressing Prescription Opioid Overdoses, Misuse and Addiction. He will forward the information to be shared with the Board.

Next Meeting Date

The board will hold their next meeting on Tuesday, March 1, 2016, at 2:30 p.m., in the 2<sup>nd</sup> floor Conference Room "A" of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware.

Adjournment

There being no further business before the board. Ms. Williams-Mayo moved, seconded by Dr. Richard, to adjourn. Motion unanimously carried. The meeting adjourned at 4:56 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Sandra Wagner".

Sandra Wagner  
Administrative Specialist III